

ARTIST'S STUDIO DECLARATION

THIS DECLARATION, made as of this ____ day of _____, by
_____, residing at _____
_____, hereinafter referred to
as the "DECLARANT," as owner of the premises described herein.

W I T N E S S E T H

WHEREAS, DECLARANT is the owner of certain real property situate at
_____, Town of East Hampton, County of Suffolk,
and State of New York, described as follows:

[INSERT METES AND BOUNDS DESCRIPTION OF LAND OR REFER TO
SCHEDULE A]

WHEREAS, DECLARANT is desirous of constructing a detached artist's studio
on the subject property in compliance with Sections 255-1-20 and 255-11-88 and all
other applicable provisions of the Town of East Hampton Zoning Code;

NOW, THEREFORE, in conformance with said Section 255-11-88 of the Town
of East Hampton Zoning Code, DECLARANT hereby makes known, admits, publishes,
covenants, and agrees, that the artist's studio to be constructed on the subject property
shall be constructed in conformance with all applicable provisions of the Town Zoning
Code and shall at all times comply with the following restrictions and limitations:

- (1) An artist's studio, as defined in § 255-1-20, shall not contain more than one
story which may be situated above a garage or other conforming accessory
structure, shall not be of greater height together with any ground level garage
or other conforming accessory structure than such residence and shall not

have a gross floor area greater than:

- a. The gross floor area of the ground floor of the residence;
 - b. An area equal to 5% of the area of the lot; or
 - c. Two thousand five hundred square feet, whichever is lesser.
- (2) An artist's studio may have a sink or sinks, but shall have no bath, shower, toilet, or other plumbing of any kind and shall not contain any kitchen appliances, but may have a microwave and coffee maker.
- (3) The studio shall not be rented or sold to any person for any purpose, except as part of a rental or sale of the entire property.
- (4) The structure shall not be used at any time for sleeping or living purposes.
- (5) The studio shall be used only for painting, drawing, sculpting or other similar activities involving the crafting or manipulation of materials into objects of fine art by one or more members of the family of the owner or tenant of the residence located on the property.
- (6) In the event that the studio is not, cannot or will not be employed for the purpose or use set forth for six (6) months, the artist, or a representative thereof, must notify the East Hampton Town Building Department in writing. At the request of the artist, the Town Board may permit a studio use to remain vacant for more than six (6) months upon a finding of extenuating circumstances based upon information attested to by the approved artist. Absent that finding, either the new artist occupying the studio must submit an application pursuant to Section 255-11-88 of the East Hampton Town Code or such studio shall be removed from the property or demolished, or the

plumbing existing therein removed, and such studio, if oversized, shall be reduced to a conforming size and put to a conforming use, at the sole expense of the property owner.

- (7) There shall be no commercial exhibits of art open to the public on the property except those exhibits that are a part of an organized and advertised tour of artist's studios. There shall be no additional parking may be constructed on site to service the studio.
- (8) The owner or renter of the property hereby consents to an annual inspection of the artist studio upon reasonable notice by the Building Department or the Ordinance Enforcement Department for compliance with these provisions. The studio may also be subject to inspection upon reasonable notice by Code Enforcement as part of an investigation in response to a complaint.
- (9) All applicable rules and regulations in the Town Code, as the same may from time to time be amended, regarding such studios and their uses shall at all times be adhered to.
- (10) Failure to comply with the any artist studio restriction may subject the owner or tenant to the penalties contained in the East Hampton Town Code.
- (11) Upon conviction for one (1) violation for having converted the artist's studio into living quarters the Building Inspector, upon certification of those convictions, must either: (i) revoke the certificate of occupancy issued for the artist studio and refer the matter to the Zoning Board of Appeals for proceedings consistent with Section 102-15B of the East Hampton Town Code; or (ii) refer the matter to the East Hampton Town Board to seek the

revocation of the certificate of occupancy issued for the artist studio through New York State Supreme Court. The Building Inspector must require that the artist studio be removed, demolished or converted to a conforming use within a specific time period. An application to reinstate the artist studio may not be made for a period of five years following revocation of the certificate of occupancy.

- (12) In the event of failure by Declarant, or Declarant's successors or assigns, to comply with subparagraph (11) above, the Building Inspector shall, in addition to taking any other remedies or actions permitted by law, notify the Town Assessor, who shall make an appropriate adjustment to the assessed value for the subject property.
- (13) Nothing in this instrument shall be deemed to preclude the Town from exercising any particular legal or equitable remedy otherwise available to it to enforce the provisions hereof.
- (14) Town of East Hampton has approved and consented to the filing and/or recording of the Declaration in its present form and this Declaration may not be terminated, revoked, or abandoned, nor may any of its terms, restrictions, provisions, or conditions be amended or modified in any manner, without the prior written consent of the Town of East Hampton.
- (15) In the absence of such prior written consent by the Town of East Hampton, the terms, restrictions, provisions, and conditions of this Declaration shall continue to apply to the structure hereby designated as an artist's studio, regardless how or whether that structure is hereafter enlarged, modified, or in

any way altered by Declarant or Declarant's successors in interest who are all bound by this declaration.

- (16) The Declarant must record this Declaration at the Office of the Suffolk County Clerk.

IN WITNESS WHEREOF, the Declarant has caused this instrument to be duly executed as of the date and year first above written.

(Declarant)

ACKNOWLEDGMENT

STATE OF NEW YORK)

COUNTY OF _____)

On the _____ day of _____ in the year _____, before me, the undersigned, personally appeared _____, known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

RECORD AND RETURN TO:

Town Clerk
Town of East Hampton
159 Pantigo Road
East Hampton, New York 11937

Approved as to Form, Content,
And Execution

Town Attorney

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